

REMARKS

Claims 1 and 45-63 are pending in the Application. Claim 63 has been added. Claim 63 finds support in the claims and the original disclosure. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

The Rejections

Claims 1 and 45-62 were rejected under 35 U.S.C. § 103(a) as obvious over Coutts (US 5,563,393) in view of Haycock (US 6,065,672).

The Applicants respectfully traverse the rejections. The references, taken alone or in combination, do not teach or suggest the recited features and relationships.

Claim 1

The Action admits that Coutts does not disclose tracking the amount of currency in an ATM. The Action alleges that:

1. Coutts discloses a plurality of ATMs in an ATM network (Figure 1).
2. Each of the currency cassettes includes a data indicator (cassette present sensor 42 and cassette low sensor 44).
3. The ATM includes a cassette reader (interface device 12) for remotely reading the data of a data indicator (any of 22-44) without contact therebetween.
4. Coutts suggests tracking the levels of currency in the currency cassettes.

The Applicants respectfully disagree with the Office's interpretation of Coutts.

1. Where does Coutts discuss the alleged ATM network? Where does Coutts even mention a network? Coutts' Figure 1 appears to show ATMs (10) and an interface device (12) in an enclosure, with the enclosure having a door.
2. Where does Coutts teach or suggest that a currency cassette (instead of the ATM) includes the cassette present sensor (42) and the cassette low sensor (44)? Coutts teaches that these sensors (42, 44) are positioned within the ATM (col. 3, last line to col. 4, first line). Coutts' sensor (44) is for detecting when the supply of currency in a cassette is low.
3. In Coutts the interface device (12) is separate from each ATM (col. 2, lines 31-34). Thus, it is unclear how an ATM can include the interface device (12; the alleged cassette reader). Furthermore, where does Coutts teach or suggest that the interface device (12) reads data from a cassette's data indicator? As previously discussed, the sensors (22-44; the alleged data indicators) are positioned within the ATM (instead of a cassette).
4. Where does Coutts teach or suggest the tracking the levels of currency in currency cassettes? Where does Coutts teach or suggest the tracking of any currency? Where does Coutts even mention tracking?

In light of the Office's reliance on the misinterpreted Coutts reference, a *prima facie* case of obviousness has not been established. Haycock cannot alleviate the deficiencies of Coutts as it does not teach or suggest the recited features which are not found in Coutts. For example, Haycock also does not teach or suggest an automated banking machine cassette reader that can remotely read the data of a cassette data indicator. Haycock teaches (at col. 6, lines 51-53) that data from a smart card (110) can be uploaded to a centralized data bank after the cassette (100) is removed from the ATM.

Nor does Haycock teach or suggest the admitted deficiency in Coutts of the ability to track the amount of currency in an automated banking machine. Haycock's smart card (110) is for tracking the circulation history of individual notes. The references, taken alone or in combination, do not teach or suggest the recited features and relationships.

The Action alleges that in view of Haycock it would have been obvious to have employed a currency tracking cassette in the ATM of Coutts to improve the replenishing process. The Applicants respectfully disagree. As previously discussed, neither of the relied upon references, taken alone or in combination, disclose or suggest the features and relationships that are specifically recited in the claims. Furthermore, it would not have been obvious to one having ordinary skill in the art to have combined the references as alleged. The references are devoid of any teaching, suggestion, or motivation for combining features of the references so as to produce the recited invention. The Action's attempt to modify Coutts is based solely on hindsight reconstruction of Applicants' claimed invention, which is legally impermissible and does not constitute a valid basis for a finding of obviousness. *In re Fritch*, 22 USPQ2d 1780 (Fed. Cir.

1992). Nor does the Action explain how the structure of Coutts could have been modified with the structure of Haycock to have produced the recited invention.

Nevertheless, even if it were somehow possible (which it isn't) for the references to be combined as alleged, the combination still would not have resulted in the claimed invention. Haycock's smart card (110) is for tracking the circulation history of individual notes. Even if it were somehow possible (which it isn't) to modify Coutts with the teaching of Haycock, the combination still would not have enabled the ability to track the amount of currency in Coutts' ATM. The previously discussed and admitted deficiencies in Coutts would still remain. It would not have been obvious to one of ordinary skill in the art to have modified Coutts with Haycock in the manner alleged to have produced the recited invention. Therefore, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection should be withdrawn.

Claim 55

Applicants' remarks in support of the patentability of claim 1 are incorporated by reference. For reasons previously discussed, the relied upon references, taken alone or in combination, also do not teach or suggest the recited method.

Claim 63

For reasons previously discussed, the relied upon references, taken alone or in combination, also do not teach or suggest the recited apparatus of claim 63.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. The Applicants have shown the independent claims to be allowable. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent claims are allowable on the same basis.

Furthermore, each dependent claim additionally recites specific features and relationships that patentably distinguish the claimed invention over the applied art. The Action's allegations are not based on any evidence in the record. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001). For example, the Action has not presented any evidence of a network that is operative to communicate via the Internet with automated banking machines (e.g., claim 51). Nor has the Action presented any evidence of communication between a host computer and an automated banking machine computer (e.g., claim 62). Where does Haycock teach or suggest that the centralized data system is always in communication with ATMs (as alleged at Action page 6, last paragraph)?

None of the references, taken alone or in combination, discloses or suggests the features and relationships that are specifically recited in the dependent claims. Thus, it is respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features and relationships.

Fee For Additional Claim

A total of 20 claims (including 3 independent claims) remain pending. No fee is deemed necessary. Nevertheless, please charge any fee due to Deposit Account 09-0428.

Conclusion

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000